



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2943 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
PAS 1475.1626.2205

June 7, 2004

Dear Stakeholders and Interested Parties:

The purpose of this letter is to provide you with information to explain the U.S. Fish and Wildlife Service's determination regarding the regulatory status of the Morro shoulderband snail. We consider the Morro shoulderband snail in and around the community of Los Osos to be endangered and will continue to provide it protection under the Endangered Species Act of 1973, as amended. We do not consider the Morro shoulderband snail found outside the Los Osos area to be endangered because they were believed to be extinct at the time of listing, are currently found throughout a wide geographic area and are not faced with the same threats as those Morro shoulderband snails found in Los Osos.

Background

The Morro shoulderband snail (*Helminthoglypta walkeriana*; we will refer to this taxon as *walkeriana* throughout the remainder of this letter) was listed as endangered on December 15, 1994 (59 *Federal Register* 64613). At the time of listing, we believed *walkeriana* was restricted to the coastal dune scrub communities at the south end of Morro Bay (Roth 1985). We believed the extant population was as low as several hundred individuals, and habitat destruction, competition from introduced snails, and the possibility of stochastic extinction posed substantial threats to this species. As discussed in the final rule, we thought *Helminthoglypta walkeriana* var. *morroensis* (hereafter *morroensis*) was already extinct. Therefore, we intended to list and attempt to recover *walkeriana* in the community of Los Osos; our intent was not to list *morroensis*. A recovery plan for *walkeriana* and four plants from western San Luis Obispo County was published in September 1998 (Service 1998). The recovery plan identifies three important conservation planning areas located in and around the community of Los Osos that are necessary for the species' recovery.

Taxonomy of *walkeriana* and *morroensis*

The Morro shoulderband snail was first described by Hemphill (1911) as *Helix walkeriana*. Field (1930) transferred the taxon to the genus *Helminthoglypta*. Hemphill (1911) also described a "variety" he called *morroensis*, based on unique shell characteristics. He gave a type locality for *morroensis* from San Luis Obispo County, California, "among brush and rocks." Based on his examination of specimens in the California Academy of Sciences, Roth (1985) clarified that Hemphill's original specimens of *walkeriana* are labeled near Morro, California, while his specimens of *morroensis* are labeled near San Luis Obispo City. The historical distribution of

morroensis also included Cayucos, California (Roth 1973). At the time we listed the Morro shoulderband snail, no specimens of *morroensis* had been collected since 1946 (Roth 1973), and Roth (1985) thought it may be extinct.

The taxonomic relationship between *walkeriana* and *morroensis* has been unsettled since Hemphill (1911) first described these snails (some authors have recognized two subspecies, while others have synonymized them). However, many researchers have recognized that both *walkeriana* and *morroensis* exhibit unique shell characteristics (Hemphill 1911, Roth 1973, Walgren 2003). Roth (1973) provided a key for separating these taxa based on differences in shell morphology. New research suggests that *walkeriana* and *morroensis* are actually separate species (Roth and Tupen in prep.).

Rediscovery of *morroensis*

Live specimens of *morroensis* have recently been documented from locations throughout the Los Osos and Chorro valleys, Camp San Luis Obispo, within the city limits of San Luis Obispo, around Cayucos, and in the community of Edna (Morro Group 2002, Walgren 2003, Tenera Environmental 2003, Pete Waldberger pers. comm. 2004). These observations suggest the current known range of *morroensis* may exceed 35,000 acres. Based on recent accounts, the range of *walkeriana* appears to remain limited to the vicinity of Los Osos and portions of Morro Bay (Walgren 2003, Sloan pers. comm. 2004).

During recent surveys, *morroensis* has been found in a variety of habitat types including grasslands, grassland swales, and rock outcrop communities, in association with numerous introduced plant species, including fennel (*Foeniculum vulgare*), veldt grass (*Ehrharta calycina*), prickly pear (*Baccharis pilularis*) and lupine (*Lupinus* spp.). It has also been found along fence lines and under trash, including plastic sheeting, discarded wood pallets and scrap metal.

Current situation and policy regarding *morroensis*

The rediscovery of *morroensis* has resulted in what we believe to be the unnecessary suspension or delay of many projects in the Chorro and Los Osos valleys and elsewhere in San Luis Obispo County. Such projects include individual residential developments, military operations, commercial development, a place of worship, and a polychlorinated biphenyl (PCB) remediation project at California Polytechnic State University, San Luis Obispo.

To re-establish the spirit and intent of the original listing of *walkeriana* and eliminate unintended regulation of *morroensis*, we will continue to provide *walkeriana* the protections afforded it under the Endangered Species Act of 1973, as amended, in and around the community of Los Osos. *Morroensis* will not be provided these protections. This policy is fair and reasonable as it supports the original intent of the listing, provides protection for *walkeriana* where needed, and removes the unnecessary regulation of actions where not needed.

We have enclosed a map that depicts the current known range of *walkeriana*. We may need to revise this map to some degree if we receive new information that allows us to further refine the distribution of *walkeriana*.

If you have any questions, please contact Steve Henry, Acting Chief, San Luis Obispo Division, or me at (805) 644-1766.

Sincerely,

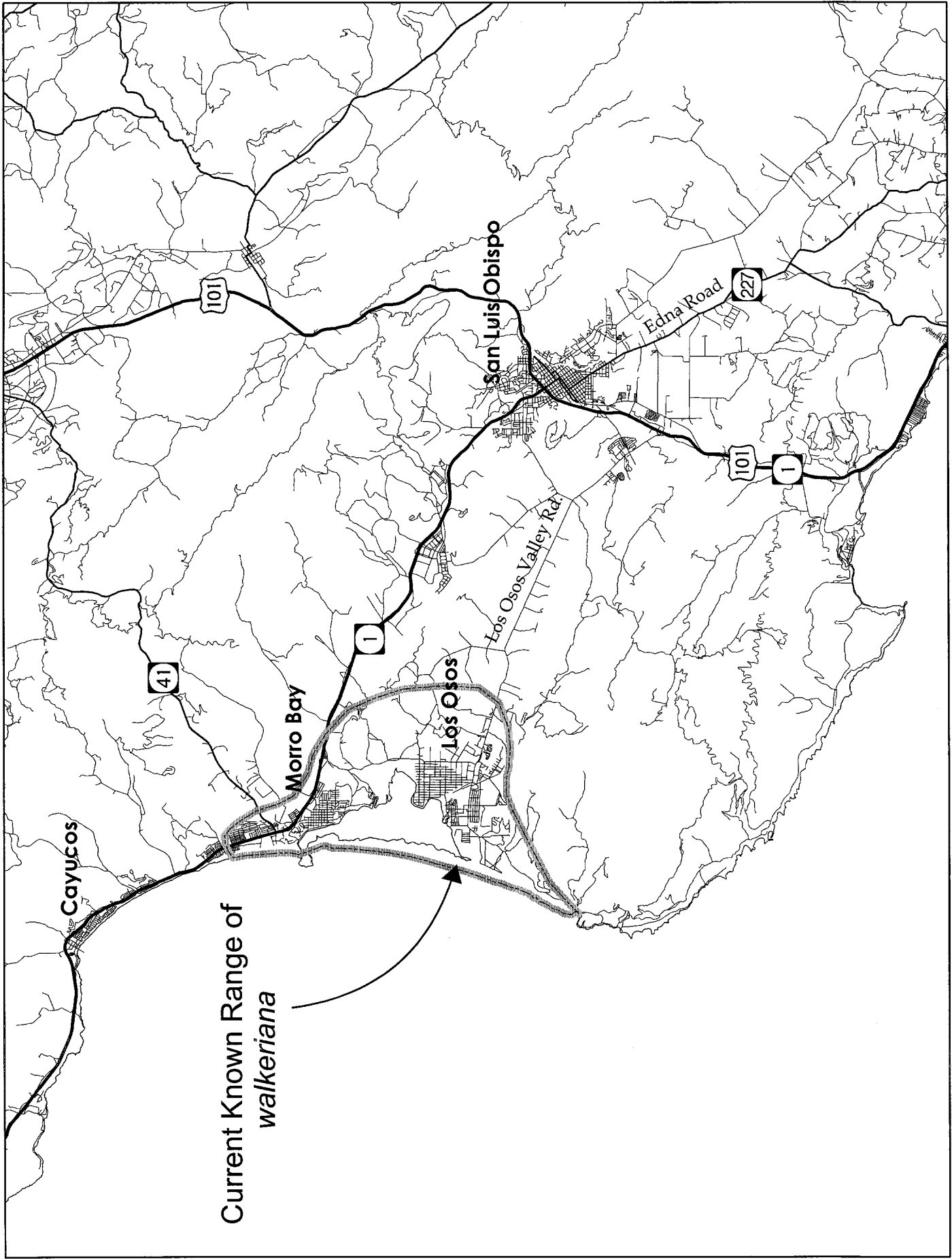
A handwritten signature in black ink, reading "Diane K. Noda". The signature is fluid and cursive, with a long horizontal stroke at the end.

Diane K. Noda
Field Supervisor

Enclosure

References Cited

- Hemphill, H. 1911. Descriptions of some varieties of shells, with short notes on the geographical range and means of distribution of land shells. Trans. San Diego Society of Natural History. 1: 99-108.
- Field, S.C. 1930. Snails climbing trees. Nautilus, 44:30.
- Morro Group, Inc. 2002. Morro shoulderband snail habitat assessment report. Prepared for the California Department of Corrections proposed upgrades to the wastewater treatment system at the California Men's Colony. San Luis Obispo, California.
- Roth, B. 1973. The systematic position of *Helminthoglypta traskii fieldi* Pilsbury, 1930 (Gastropoda: Stylommatophora). Bulletin, Southern California Academy of Sciences. 72: 148-152.
- _____. 1985. Status survey of the banded dune snail, (*Helminthoglypta walkeriana*). Unpublished report prepared for the U.S. Fish and Wildlife Service, Sacramento, California. San Francisco, California.
- Roth, B. and J. Tupen. In prep. Revision of the systematic status of *Helminthoglypta walkeriana morroensis* (Hemphill 1911) (Gastropoda: pulmonata).
- Sloan, R. 2004. Personal communication. Morro shoulderband snail biologist. San Luis Obispo County, California.
- Tenera Environmental. 2003. Morro shoulderband snail (*Helminthoglypta walkeriana*) survey report. Unpublished report prepared for Oasis Associates. San Luis Obispo, California.
- U.S. Fish and Wildlife Service. 1998. Recovery plan for the Morro shoulderband snail and four plants from western San Luis Obispo County, California. U.S. Fish and Wildlife Service, Portland, Oregon.
- Waldberger, P.J. 2004. Personal communication. Biological consultant. Los Osos, California.
- Walgren, M. 2003. Distribution and morphotypes of the federally endangered land snail *Helminthoglypta (Charodotes) walkeriana* (Hemphill, 1911). Bulletin, Southern California Academy of Sciences. 102(2).



CAL POLY

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FISH AND WILDLIFE
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APR 21 2004

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VENTURA, CA

April 13, 2004

Steve Kirkland
Ventura Field Office
U.S. FISH AND WILDLIFE SERVICE
2493 Portola Road, Suite B
Ventura, CA 93001

Subject: Morro Shoulderband Snail Morroensis Form.

Dear Steve:

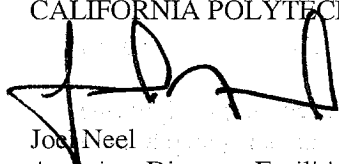
Thank you for your time last Thursday to explain the status of the snails found on the Cal Poly campus. As discussed during our phone conversation, I believe the following to be correct:

1. As of April 7, 2004, only Morro Shoulderband Snail (MSS) found within the sand and dune soil habitats in the Los Osos/Morro Bay area, as described in the 1994 Federal Register listing for the species, are regulated by the USFWS as a protected species.
2. The USFWS has determined that the Federal listing for MSS discussed above does not apply to the MSS currently called "morroensis" found outside the Los Osos/Morro Bay area on non-sandy soils. Therefore, the morroensis is not regulated, and has no protected status. No surveys are required, no consultation is needed, and all projects currently on hold or in consultation for morroensis can proceed without further scrutiny.
3. Based on past surveys, the snail found on the Cal Poly campus is the morroensis form and not the regulated walkeriana found in the Los Osos/Morro Bay area.
4. A formal letter documenting this decision will be issued by the USFWS within the next several days.

Additionally, Vice President Kelley sent Ms. Noda a letter on April 6, 2004 requesting a pre-application meeting to discuss the Clean Water Act and Endangered Species Act compliance process and requirements for constructing our Student Housing North Project beginning June 2005. In that letter we included three species that surveys show may occur on the site: California Red Legged Frog, Steelhead and the Morro Shoulderband Snail Morroensis Form. Based on the latest information, we would like to continue with the meeting to discuss the California Red Legged Frog and Steelhead that occur or have the potential to occur within the project area and could be affected by this project. We will continue to work with David Wolff of David Wolff Environmental and he should be contacting your office to arrange the meeting.

Sincerely,

CALIFORNIA POLYTECHNIC STATE UNIVERSITY



Joe Neel
Associate Director, Facilities Planning & Capital Projects

Copy: Lawrence Kelley, Cal Poly
Nicole Carter, CMCA
David Wolff, David Wolff Environmental